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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: ECe DEPUTY

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SPY OPTIC, INC., a California corporation,

Plaintiff

vs.

JAY-Y ENTERPRISE CO., INC., a California corporation; 7-ELEVEN, INC., a Texas corporation; and DOES 1 through 5, inclusive

Defendants

Case No. 08 CV 1508 BEN LSP

COMPLAINT FOR PATENT INFRINGEMENT OF U.S. PATENT NOS.

1. **D534,573**
2. **D564,570**
3. **D557,730**

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff, Spy Optic, Inc., for its Complaint against Jay-Y Enterprise Co., Inc. and 7-Eleven, Inc. states and alleges as follows:

PARTIES

1. Plaintiff, Spy Optic, Inc. (hereinafter "Spy Optic" or "Plaintiff") is a corporation organized and existing under the laws of the state of California, and

having a principal place of business at 2070 Las Palmas Drive, Carlsbad, California 92009.

2. Upon information and belief, Defendant Jay-Y Enterprise Co., Inc. is a corporation organized and existing under the laws of the state of California (hereinafter "Jay-Y"), and having a principal place of business at 632 New York Drive, Pomona, California 91768.

3. Upon information and belief, Defendant 7-Eleven, Inc. is a corporation organized and existing under the laws of the state of Texas (hereinafter "7-11"), and having a principal place of business at 1722 Routh Street, Suite 1000, Dallas, Texas 75201.

4. The true names and capacities of the Defendants named herein as DOES 1 through 5, whether individual, corporate, associate, or otherwise, are unknown to Plaintiff, who therefore sues said Defendants by said fictitious names. Plaintiff is informed and believes, and thereon alleges, that each of the Defendants designated herein as DOE is legally responsible for the events and happenings hereinafter alleged and legally caused injury and damages proximately thereby to Plaintiff as herein alleged. Plaintiff will seek leave to amend the Complaint when the true names and capacities of said DOE Defendants have been ascertained. Jay-Y, 7-11 and DOES 1 through 10 are hereinafter collectively referred to as "Defendants."

5. Plaintiff is informed and believes, and on that basis alleges, that each of the Defendants participated in and is in some manner responsible for the acts described in this Complaint and any damages resulting therefrom.

6. Plaintiff is informed and believes, and on that basis alleges, that each of the Defendants has acted in concert and participation with each other concerning each of the claims in this Complaint.

7. Plaintiff is informed and believes, and on that basis alleges, that each of the Defendants were empowered to act as the agent, servant and/or employees of each of the other Defendants, and that all the acts alleged to have been done by each of

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them were authorized, approved, and/or ratified by each of the other Defendants.

JURISDICTION AND VENUE

8. This action, as hereinafter more fully appears, arises under the patent laws of the United States of America (35 U.S.C. §§ 101 *et seq.*), and is for patent infringement. Jurisdiction for all counts is based upon 28 U.S.C. §§1331, 1338(a).

9. Venue is proper under 28 U.S.C. §§1391(b) and (c) as Defendants reside in this judicial district and have committed acts of infringement in this judicial district.

BACKGROUND OF THE CONTROVERSY

10. Plaintiff is the owner of all right, title and interest in and to United States Design Patent No. D534,573 entitled "Sunglass" (hereinafter "the '573 patent"). A true and correct copy of the '573 patent is attached hereto as Exhibit 1. The '573 patent was duly and lawfully issued on January 2, 2007 and is presently valid and in full effect.

11. Plaintiff is the owner of all right, title and interest in and to United States Design Patent No. D564,570 entitled "Sunglass" (hereinafter "the '570 patent"). A true and correct copy of the '570 patent is attached hereto as Exhibit 2. The '570 patent was duly and lawfully issued on March 18, 2008 and is presently valid and in full effect.

12. Plaintiff is the owner of all right, title and interest in and to United States Design Patent No. D557,730 entitled "Sunglass" (hereinafter "the '730 patent"). A true and correct copy of the '730 patent is attached hereto as Exhibit 3. The '730 patent was duly and lawfully issued on December 18, 2007 and is presently valid and in full effect. (The '573, '570 and '730 patents hereinafter collectively referred to as the "patents-in-suit").

13. Upon information and belief, Defendants have been and are infringing the patents-in-suit within this district and elsewhere in the United States by making, using, selling, importing, distributing and/or offering for sale products that infringe

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the claims of the patents-in-suit.

14. On June 2, 2008, Plaintiff put Defendants Jay-Y and 7-11 on formal notice of the infringing products and one of Plaintiff's patents. A true and correct copy of this letter is attached hereto as Exhibit "4".

15. After such notice, it is believed that Defendants still continue to infringe the patents-in-suit within this district and elsewhere in the United States by making, using, selling, importing, distributing and/or offering for sale products that infringe the claims of the patents-in-suit.

16. Defendants infringing products are identified as the Biohazard 6656, Biohazard 6645, LOCS 9018, and Biohazard 6636. A copy of Defendants products are attached hereto as Exhibit "5", respectively.

FIRST CLAIM FOR RELIEF

(Patent Infringement of U.S. Patent No. D534,573)

17. Plaintiff realleges and repeats the allegations of paragraphs 1-16 above.

18. Plaintiff is the owner of all right, title and interest in and to United States Design Patent No. D534,573 entitled "Sunglass" (hereinafter "the '573 patent"). A true and correct copy of the '573 patent is attached hereto as Exhibit 1. The '573 patent was duly and lawfully issued on January 2, 2007 and is presently valid and in full effect.

19. Upon information and belief, Defendants have been and are infringing the '573 patent within this district and elsewhere in the United States by making, using, selling, importing, distributing and/or offering for sale products that infringe the claims of the '573 patent.

20. Upon information and belief, by the acts of patent infringement herein complained of, the Defendants have made substantial profits to which they are not equitably entitled.

21. By reason of the aforementioned acts of the Defendants, the Plaintiff has suffered great detriment in a sum which exceeds this Court's jurisdictional amount,

but which cannot be ascertained at this time.

22. Upon information and belief, Defendants continue to infringe Plaintiff's '573 patent, and will continue to infringe Plaintiff's '573 patent, and will continue to infringe Plaintiff's patents-in-suit to Plaintiff's irreparable harm, unless enjoined by this Court.

23. Upon information and belief, Defendants' were aware of the patents-in-suit and the past and continuing infringement of the '573 patent by Defendants are willful, entitling Plaintiff to enhanced damages.

SECOND CLAIM FOR RELIEF

(Patent Infringement of U.S. Patent No. D564,570)

24. Plaintiff realleges and repeats the allegations of paragraphs 1-23 above.

25. Plaintiff is the owner of all right, title and interest in and to United States Design Patent No. D564,570 entitled "Sunglass" (hereinafter "the '570 patent"). A true and correct copy of the '570 patent is attached hereto as Exhibit 2. The '570 patent was duly and lawfully issued on March 18, 2008 and is presently valid and in full effect.

26. Upon information and belief, Defendants have been and are infringing the '570 patent within this district and elsewhere in the United States by making, using, selling, importing, distributing and/or offering for sale products that infringe the claims of the '570 patent.

27. Upon information and belief, by the acts of patent infringement herein complained of, the Defendants have made substantial profits to which they are not equitably entitled.

28. By reason of the aforementioned acts of the Defendants, the Plaintiff has suffered great detriment in a sum which exceeds this Court's jurisdictional amount, but which cannot be ascertained at this time.

29. Upon information and belief, Defendants continue to infringe Plaintiff's '570 patent, and will continue to infringe Plaintiff's '570 patent, and will continue to

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infringe Plaintiff's patents-in-suit to Plaintiff's irreparable harm, unless enjoined by this Court.

30. Upon information and belief, Defendants' were aware of the patents-in-suit and the past and continuing infringement of the '570 patent by Defendants are willful, entitling Plaintiff to enhanced damages.

THIRD CLAIM FOR RELIEF

(Patent Infringement of U.S. Patent No. D557,731)

31. Plaintiff realleges and repeats the allegations of paragraphs 1-30 above.

32. Plaintiff is the owner of all right, title and interest in and to United States Design Patent No. D557,730 entitled "Sunglass" (hereinafter "the '730 patent"). A true and correct copy of the '730 patent is attached hereto as Exhibit 3. The '730 patent was duly and lawfully issued on December 18, 2007 and is presently valid and in full effect.

33. Upon information and belief, Defendants have been and are infringing the '730 patent within this district and elsewhere in the United States by making, using, selling, importing, distributing and/or offering for sale products that infringe the claims of the '730 patent.

34. Upon information and belief, by the acts of patent infringement herein complained of, the Defendants have made substantial profits to which they are not equitably entitled.

35. By reason of the aforementioned acts of the Defendants, the Plaintiff has suffered great detriment in a sum which exceeds this Court's jurisdictional amount, but which cannot be ascertained at this time.

36. Upon information and belief, Defendants continue to infringe Plaintiff's '730 patent, and will continue to infringe Plaintiff's '730 patent, and will continue to infringe Plaintiff's patents-in-suit to Plaintiff's irreparable harm, unless enjoined by this Court.

37. Upon information and belief, Defendants' were aware of the patents-in-

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suit and the past and continuing infringement of the '730 patent by Defendants are willful, entitling Plaintiff to enhanced damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

A. A judgment that Defendants have infringed the patents-in-suit.

B. A judgment that Defendants' infringement of the patents-in-suit have been willful.

C. A preliminary and permanent injunction, pursuant to 35 U.S.C. §283, enjoining Defendants, and all persons in active concert or participation with them, from any further acts of infringement of the patents-in-suit.

D. An order, pursuant to 35 U.S.C. §284, awarding Plaintiff damages adequate to compensate Plaintiff for Defendants' infringement of the patents-in-suit, in an amount to be determined at trial, but in no event less than a reasonable royalty.

E. An order, pursuant to 35 U.S.C. §284, trebling all damages awarded to Plaintiff based on Defendants' willful infringement of the patents-in-suit.

F. An order, pursuant to 35 U.S.C. §285, finding that this is an exceptional case and awarding to Plaintiff its reasonable attorneys' fees incurred in this action.

G. That Plaintiff have such other and further relief that the court may deem just and proper.

Dated: August 15, 2008

STETINA BRUNDA GARRED & BRUCKER

By: ______________________
Kit M. Stetina
Attorneys for Plaintiff
SPY OPTIC, INC.

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DEMAND FOR JURY TRIAL

Plaintiff, Spy Optic, Inc., hereby demands a jury trial in this action.

Dated: August 15, 2008

STETINA BRUNDA GARRED & BRUCKER

By: [signature]
Kit M. Stetina
Attorneys for Plaintiff
SPY OPTIC, INC.

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Exhibit 1

US00D534573S

(12) **United States Design Patent** (10) **Patent No.: US D534,573 S**
Mage (45) **Date of Patent: ** Jan. 2, 2007**

(54) **SUNGLASS**

(75) Inventor: **Jerome J. M. Mage**, Beverly Hills, CA (US)

(73) Assignee: **Spy Optics, Inc.**, Carlsbad, CA (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/234,271**

(22) Filed: **Jul. 15, 2005**

(51) **LOC (8) Cl.** **16-06**
(52) **U.S. Cl.** **D16/326**; D16/335
(58) **Field of Classification Search** D16/300–330, D16/101, 332–338; D29/109–110; D24/110.2; 351/41, 44, 51–52, 62, 158, 92, 103–111, 351/130, 61, 114–119, 121–123; 2/426–432, 2/447–449, 441, 434–437
See application file for complete search history.

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D434,789 S * 12/2000 Lane D16/337
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D488,499 S * 4/2004 Mage D16/326
D500,781 S * 1/2005 Mage D16/335

* cited by examiner

Primary Examiner—Raphael Barkai
(74) *Attorney, Agent, or Firm*—Stetina Brunda Garred & Brucker

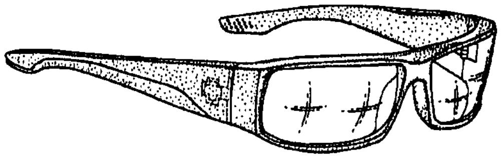
(57) **CLAIM**

The ornamental design for a sunglass, as shown and described.

DESCRIPTION

FIG. **1** is a front perspective view of the sunglass of the present invention showing my new design with the broken lines forming no part of the claimed design;
FIG. **2** is a front elevational view thereof;
FIG. **3** is left side elevational view thereof with the broken lines forming no part of the claimed design;
FIG. **4** is rear plan view thereof;
FIG. **5** is a top plan view thereof; and,
FIG. **6** is bottom plan view thereof.

1 Claim, 2 Drawing Sheets



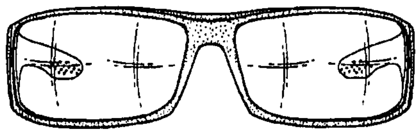


Exhibit 1 Page 1 of 3

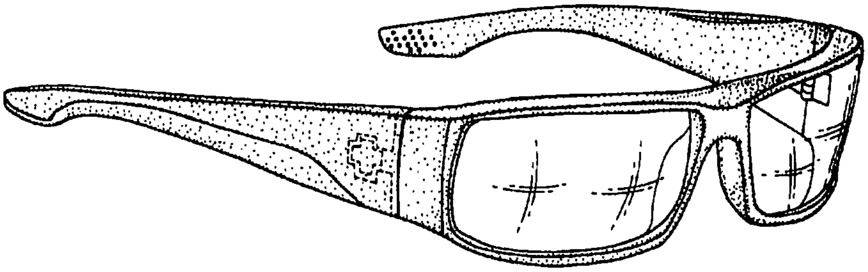


Fig. 1

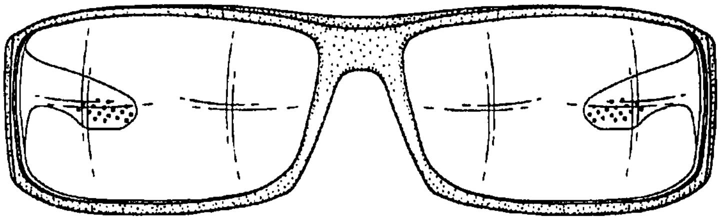


Fig. 2

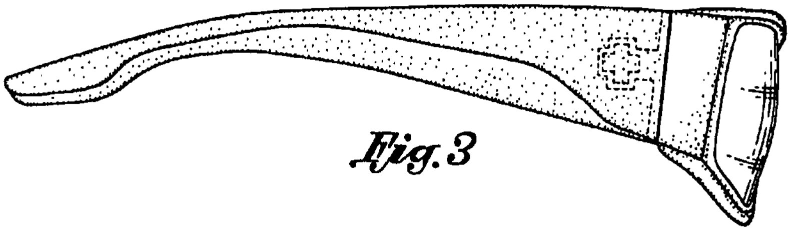


Fig. 3

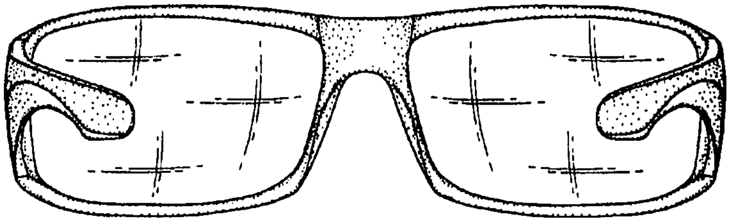


Fig. 4

Exhibit 1 Page 2 of 3

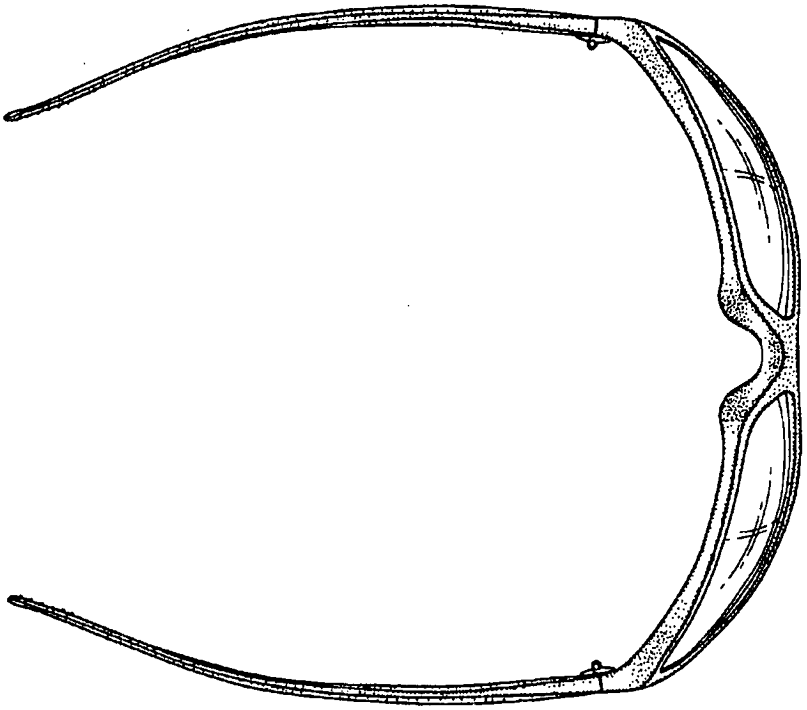


Fig. 6

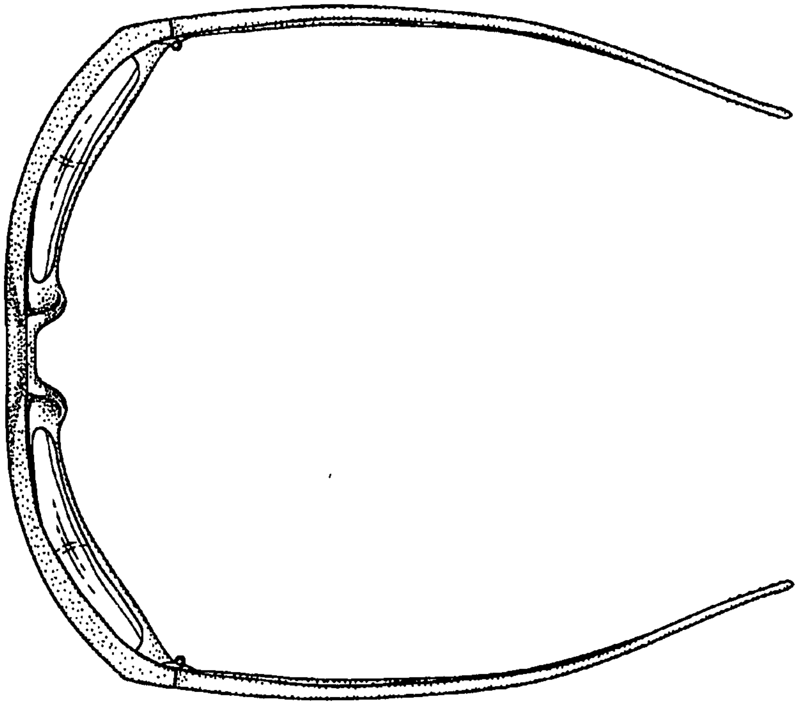


Fig. 5

US00D564570S

(12) **United States Design Patent**
Mage

(10) **Patent No.: US D564,570 S**
(45) **Date of Patent: ** Mar. 18, 2008**

(54) **SUNGLASS**

(75) Inventor: **Jerome J. M. Mage**, Los Angeles, CA (US)

(73) Assignee: **Spy Optic, Inc.**, Carlsbad, CA (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/288,390**

(22) Filed: **Jun. 8, 2007**

(51) **LOC (8) Cl.** **16-06**
(52) **U.S. Cl.** **D16/325**; D16/335
(58) **Field of Classification Search** D16/300–330, D16/101, 332–338; D29/109–110; D24/110.2; 351/41, 44, 51–52, 62, 158, 92, 103–111, 351/156, 61, 114–119, 121–123; 2/426–432, 2/447–449, 441, 434–437
See application file for complete search history.

(56) **References Cited**

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D336,097	S	*	6/1993	Wiedner	D16/324
D345,744	S	*	4/1994	Hirschman	D16/325
D420,035	S	*	2/2000	Hartman	D16/325
D518,847	S	*	4/2006	Teng	D16/326
D532,033	S	*	11/2006	Mangum	D16/323
D534,573	S	*	1/2007	Mage	D16/335
D534,574	S	*	1/2007	Lane	D16/329
D536,027	S	*	1/2007	Paulson	D16/335
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D548,269	S	*	8/2007	Baden et al.	D16/313
D548,767	S	*	8/2007	Jannard et al.	D16/309
D549,270	S	*	8/2007	Daems et al.	D16/321
D552,154	S	*	10/2007	Arnette	D16/326
D552,665	S	*	10/2007	Mage	D16/326
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D554,689	S	*	11/2007	Jannard et al.	D16/326

* cited by examiner

Primary Examiner—Raphael Barkai
(74) *Attorney, Agent, or Firm*—Stetina Brunda Garred & Brucker

(57) **CLAIM**

The ornamental design for a sunglass, as shown and described.

DESCRIPTION

FIG. **1** is a front top perspective view of the sunglass of the present invention showing my new design;

FIG. **2** is a front elevational view thereof;

FIG. **3** is a right side view thereof;

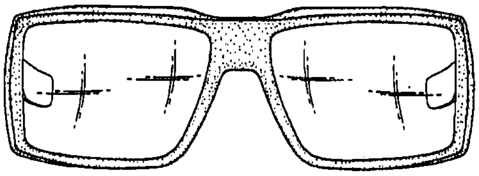
FIG. **4** is a rear elevational view thereof;

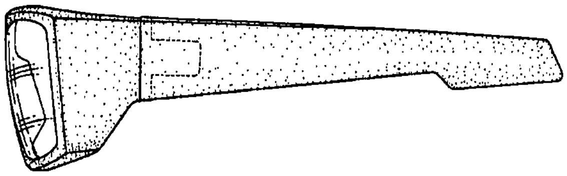
FIG. **5** is a bottom plan view thereof; and,

FIG. **6** is a top plan view thereof.

The broken lines shown in FIG. **3** are for illustrative purposes only and form no part of the claimed design.

1 Claim, 2 Drawing Sheets





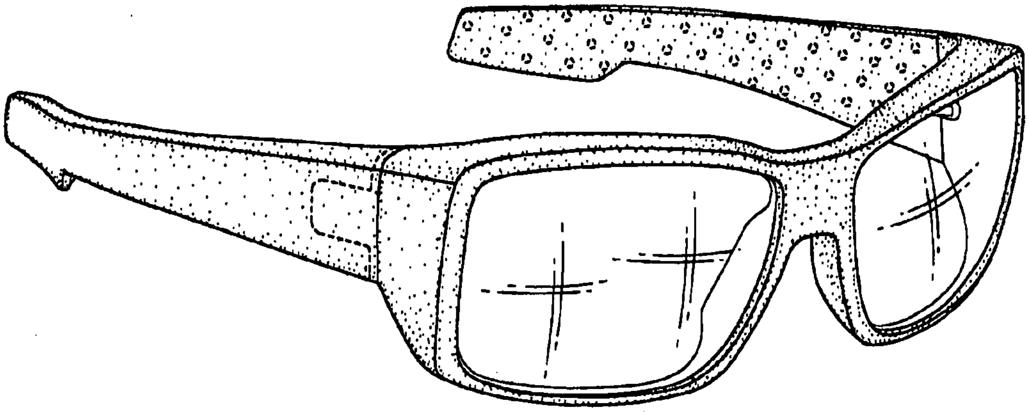


Fig. 1

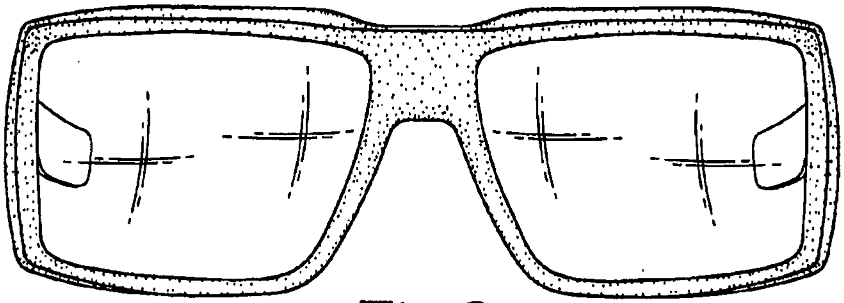
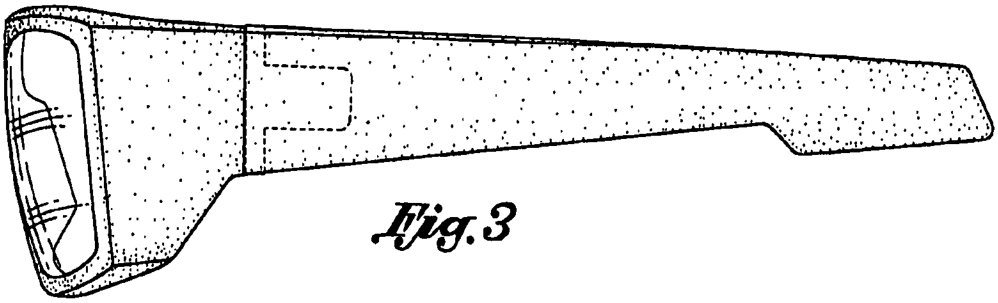


Fig. 2



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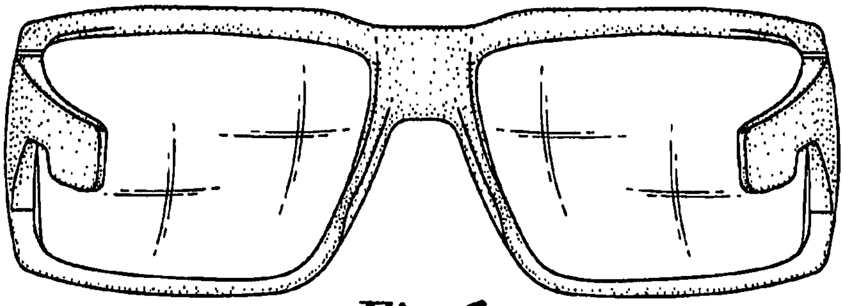

Fig. 4

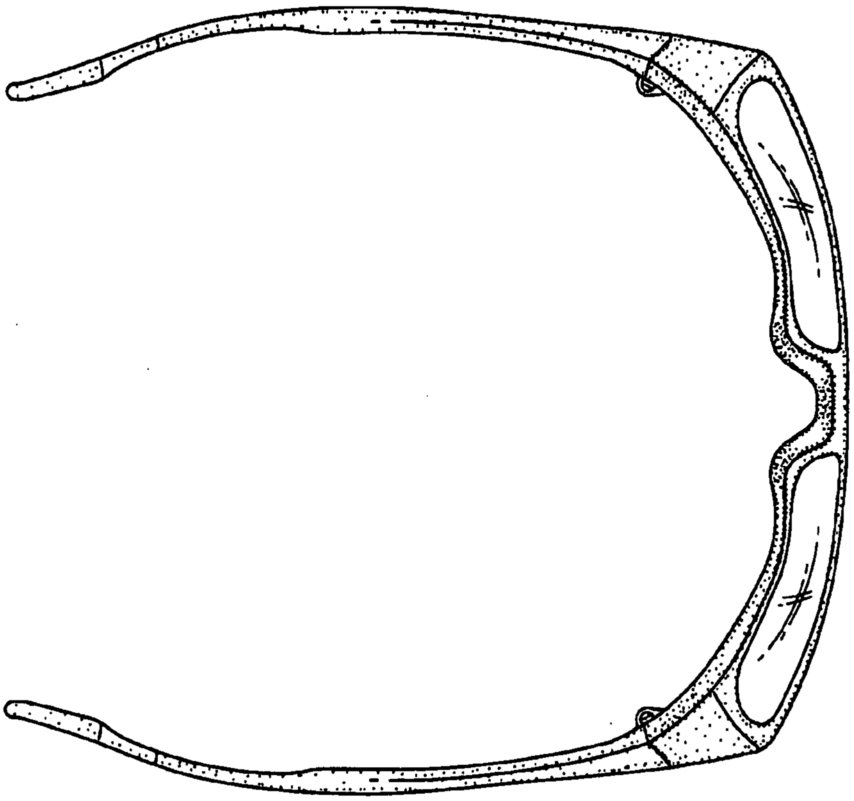

Fig. 6

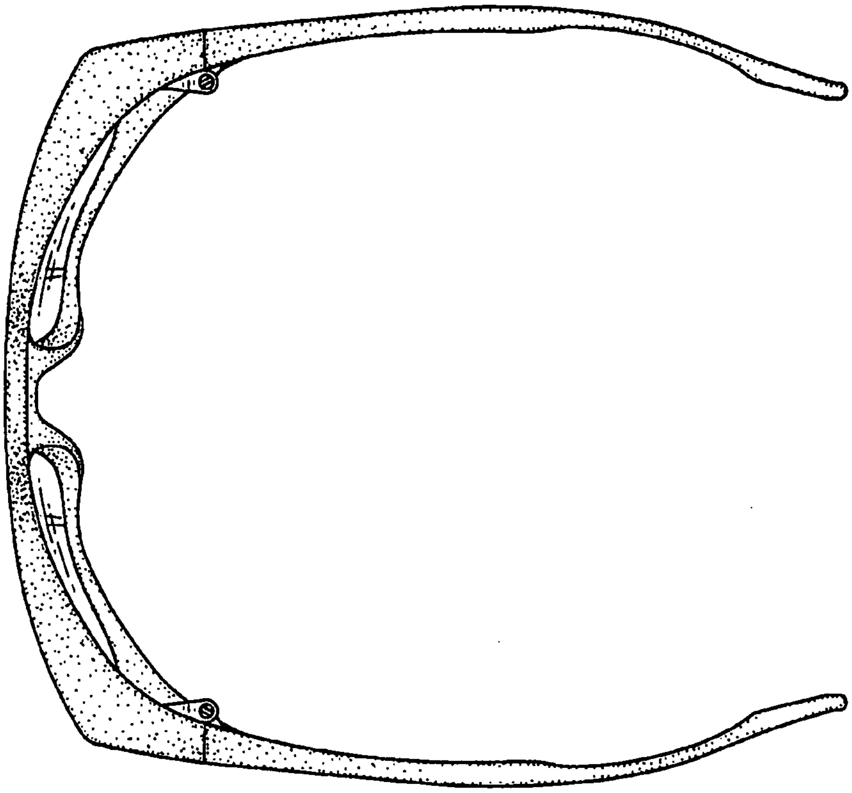

Fig. 5

Exhibit 3

US00D557730S

(12) **United States Design Patent** (10) **Patent No.: US D557,730 S**
Mage (45) **Date of Patent: ** Dec. 18, 2007**

(54) **SUNGLASS**

(75) Inventor: **Jerome J. M. Mage**, Beverly Hills, CA (US)

(73) Assignee: **Spy Optic, Inc.**, Carlsbad, CA (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/267,913**

(22) Filed: **Oct. 25, 2006**

(51) **LOC (8) Cl.** **16-06**
(52) **U.S. Cl.** **D16/326**; D16/335
(58) **Field of Classification Search** D16/300–330, D16/101, 332–338; D29/109–110; D24/110.2; 351/41, 44, 51–52, 62, 158, 92, 103–111, 351/156, 61, 114–119, 121–123; 2/426–432, 2/447–449, 441, 434–437
See application file for complete search history.

(56) **References Cited**

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D488,499 S	*	4/2004	Mage	....	D16/326
D500,781 S	*	1/2005	Mage	....	D16/326
D532,033 S	*	11/2006	Mangum	....	D16/323
D534,573 S	*	1/2007	Mage	....	D16/335
D539,830 S	*	4/2007	Saderholm et al.	....	D16/326

* cited by examiner

Primary Examiner—Raphael Barkai
(74) *Attorney, Agent, or Firm*—Stentina Brunda Garred & Brucker

(57) **CLAIM**

The ornamental design for a sunglass, as shown and described.

DESCRIPTION

FIG. **1** is a front perspective view of the sunglass of the present invention showing my new design;

FIG. **2** is a front elevational view thereof;

FIG. **3** is a side elevational view thereof;

FIG. **4** is a rear elevational view thereof;

FIG. **5** is a top plan view thereof; and,

FIG. **6** is a bottom plan view thereof.

1 Claim, 2 Drawing Sheets

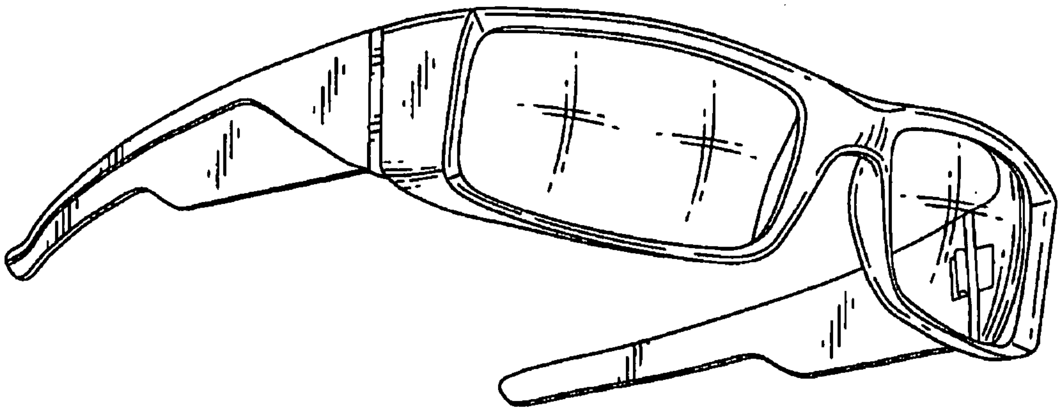

Exhibit 3 Page 1 of 3

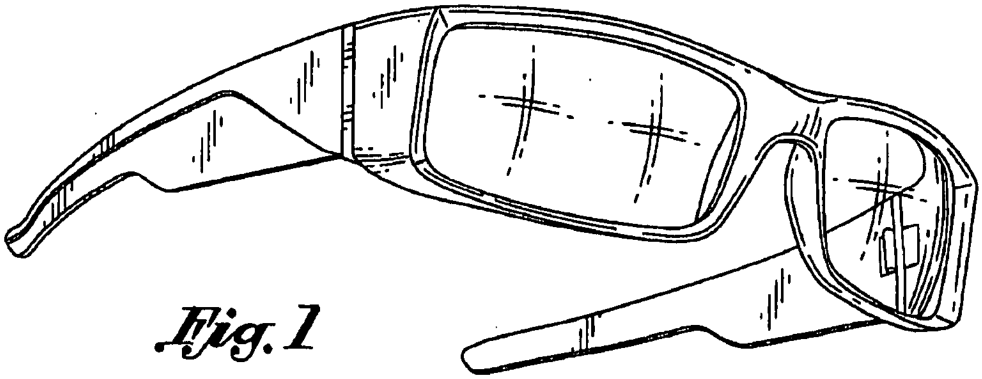

Fig. 1

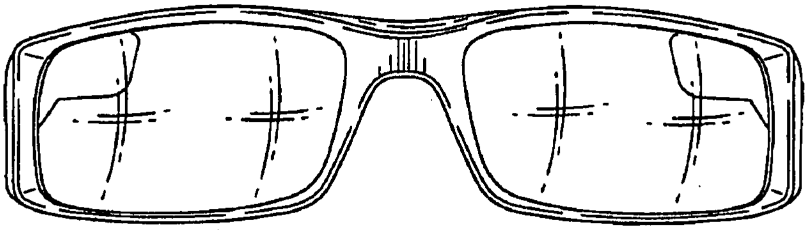

Fig. 2

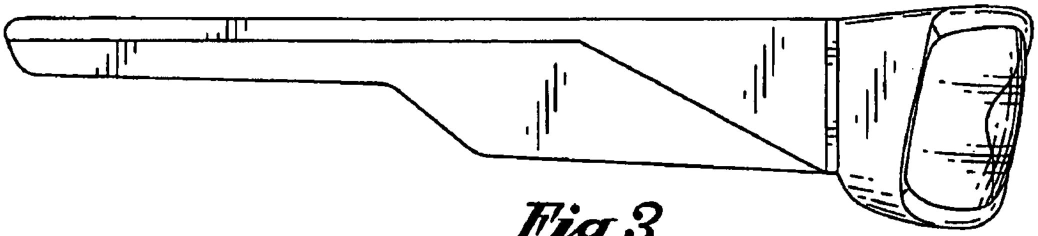

Fig. 3

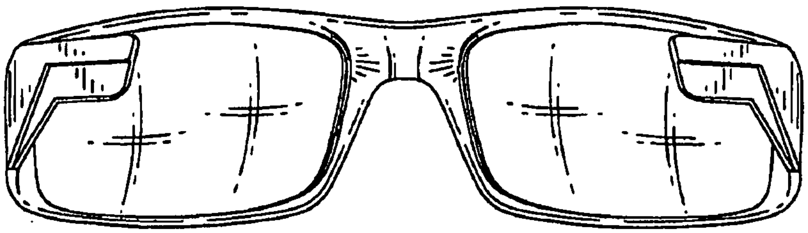

Fig. 4

Exhibit 3 Page 2 of 3

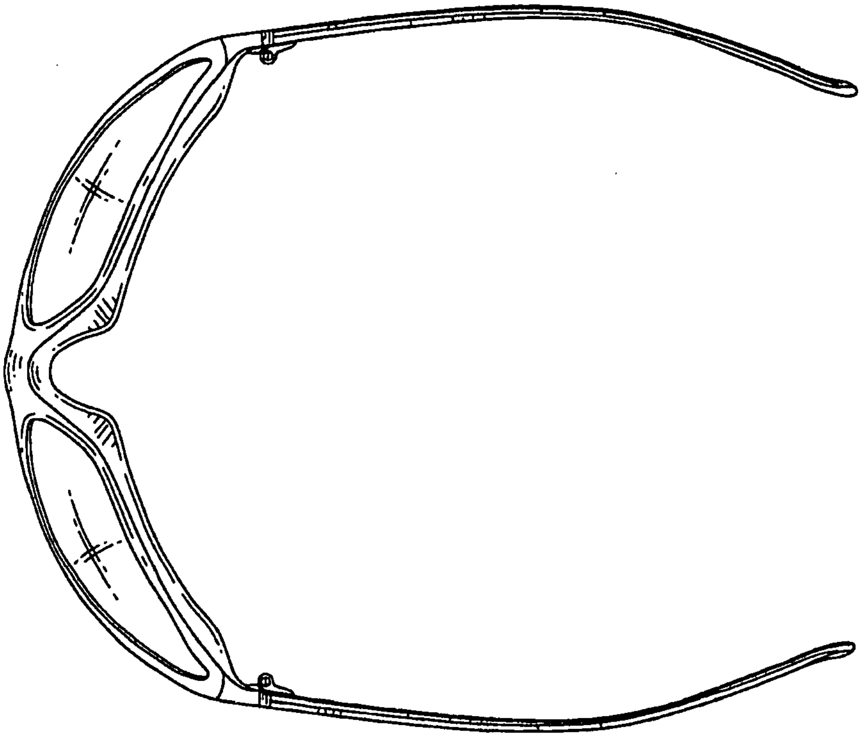

Fig.6

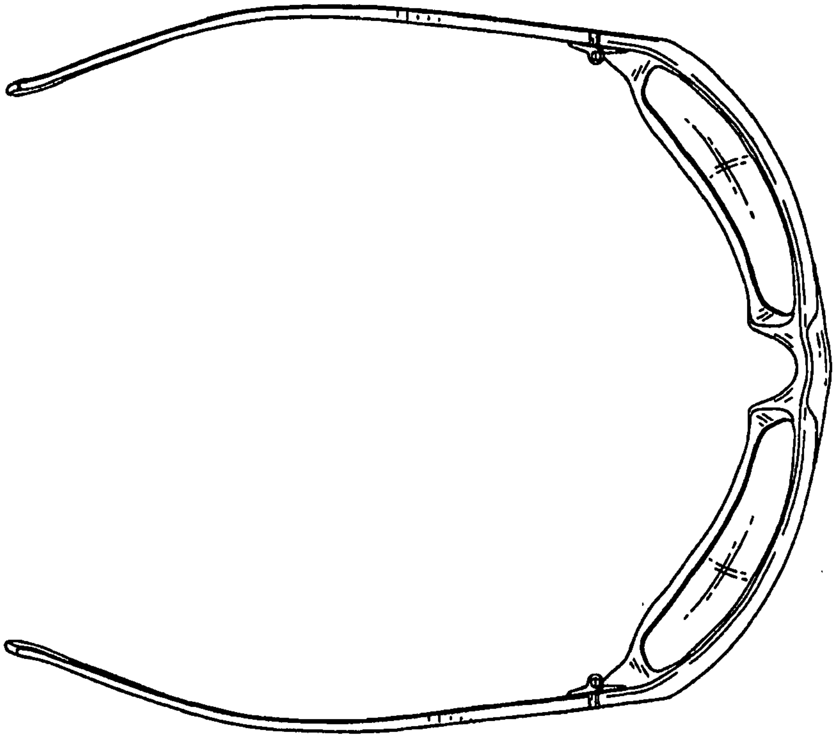

Fig.5

Exhibit 3 Page 3 of 3

Exhibit 4

LAW OFFICES
Stetina Brunda Garred & Brucker
A PROFESSIONAL CORPORATION
PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION CAUSES

75 ENTERPRISE, SUITE 250
ALISO VIEJO, CALIFORNIA 92656

KIT M. STETINA
BRUCE B. BRUNDA
WILLIAM J. BRUCKER
MARK B. GARRED
MATTHEW A. NEWBOLES
ERIC L. TANEZAKI
LOWELL ANDERSON
JAMES C. YANG

SHUNSUKE S. SUMITANI
STEPHEN Z. VEGH
BENJAMIN N. DIEDERICH
MICHAEL J. ZINGALE
AMICHAI KOTEV

GAURAV K. MOHINDRA †
ABIGAIL M. COTTON †

TELEPHONE (949) 855-1246
FACSIMILE I (949) 855-6371
FACSIMILE II (949) 716-8197
www.stetinalaw.com
Writer's Direct E-mail:
kstetina@stetinalaw.com

June 2, 2008

THIS MATTER REQUIRES YOUR IMMEDIATE ATTENTION

VIA CERTIFIED MAIL R.R.R. AND U.S. MAIL
No.: 7002 2410 0007 9124 1297

James W. Y. Chen
Jay-Y Enterprise Co., Inc.
632 New York Dr.
Pomona, CA 91768

RE: *Spy Optic, Inc. v. Jay-Y Enterprise Co., Inc.*
Patent Infringement
Our Ref.: SPYNO-000

Dear Mr. Chen:

Please be advised that our firm represents Spy Optic, Inc. of Carlsbad, California in patent, trademark, copyright and unfair competition matters. Spy Optic, Inc. is the originator and manufacturer of unique sunglass products. Due to the uniqueness or our client's sunglass products, our client has obtained numerous United States Patents for its sunglass products, including, U.S. Patent No. D564,570. We are enclosing a copy of our client's patent for your review.

It has recently come to our client's attention that your company is manufacturing, marketing and/or selling sunglass products which fall within the claim of our client's above-identified patent. Specifically, your product identified as the "Biohazard® Money Short 6656". We are attaching a photograph of your product for your reference. As you probably know, under United States law, a patent owner is given the exclusive rights to manufacture, use, sell or import the claimed invention in the United States. Additionally, Title 35 of the United States Code provides monetary damages and preliminary and permanent injunctive relief for acts of patent infringement. Further, if such infringement is determined by a court to be willful, such damages can be trebled.

† PATENT AGENT

Stetina Brunda Garred & Brucker

Accordingly, we must demand on behalf of our client that your company immediately cease and desist from all further sales, distribution and/or importation of infringing products, and immediately recall any such products that have already been distributed. Further, to the extent that your company has the infringing products manufactured by a third party, Spy Optic, Inc. requests identification of that third party or supplier. Also Spy Optic, Inc. demands an accounting of all such infringing products sold to date, together with copies of all invoices for such products, along with an indication of the amount remaining in inventory.

Due to the importance of this matter, Spy Optic, Inc. requests a response within **fourteen (14) days** of the date of mailing of this letter.

This letter is not intended to be a full statement of the facts in this matter, nor is it a waiver of any of our client's rights or remedies, whether at law or equity, or those of any respective parties, all of which are hereby expressly reserved.

Very truly yours,

Stetina Brunda Garred & Brucker

Kit M. Stetina

KMS/th
Encls.
Cc: Spy Optic, Inc.
T:\Client Documents\SPYNO\000\C&D.Jay-Y Enterprise.05 30 08.doc

LAW OFFICES
Stetina Brunda Garred & Brucker
A PROFESSIONAL CORPORATION
PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION CAUSES

75 ENTERPRISE, SUITE 250
ALISO VIEJO, CALIFORNIA 92656

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WILLIAM J. BRUCKER
MARK B. GARRED
MATTHEW A. NEWBOLES
ERIC L. TANEZAKI
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JAMES C. YANG

SHUNSUKE S. SUMITANI
STEPHEN Z. VEGH
BENJAMIN N. DIEDERICH
MICHAEL J. ZINGALE
AMICHAI KOTEV

GAURAV K. MOHINDRA †
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FACSIMILE II (949) 716-8197
www.stetinalaw.com
Writer's Direct E-mail:
kstetina@stetinalaw.com

June 2, 2008

THIS MATTER REQUIRES YOUR IMMEDIATE ATTENTION

VIA CERTIFIED MAIL R.R.R. AND U.S. MAIL
No.: 7002 2410 0007 9124 1303

7-Eleven, Inc.
1722 Routh Street, Suite 1000
Dallas, TX 75201

RE: *Spy Optic, Inc. v. 7-Eleven, Inc.*
Patent Infringement
Our Ref.: SPYNO-000

Dear Sir/Madam:

Please be advised that our firm represents Spy Optic, Inc. of Carlsbad, California in patent, trademark, copyright and unfair competition matters. Spy Optic, Inc. is the originator and manufacturer of unique sunglass products. Due to the uniqueness or our client's sunglass products, our client has obtained numerous United States Patents for its sunglass products, including, U.S. Patent No. D564,570. We are enclosing a copy of our client's patent for your review.

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† PATENT AGENT

Stetina Brunda Garred & Brucker

June 2, 2008
Page 2

Accordingly, we must demand on behalf of our client that your company immediately cease and desist from all further sales, distribution and/or importation of infringing products, and immediately recall any such products that have already been distributed. Further, to the extent that your company has the infringing products manufactured by a third party, Spy Optic, Inc. requests identification of that third party or supplier. Also Spy Optic, Inc. demands an accounting of all such infringing products sold to date, together with copies of all invoices for such products, along with an indication of the amount remaining in inventory.

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This letter is not intended to be a full statement of the facts in this matter, nor is it a waiver of any of our client's rights or remedies, whether at law or equity, or those of any respective parties, all of which are hereby expressly reserved.

Very truly yours,

Stetina Brunda Garred & Brucker

Kit M. Stetina

KMS/th
Encls.
Cc: Spy Optic, Inc.
T:\Client Documents\SPYNO\000\C&D.7-Eleven.05 30 08.doc

7-ELEVEN
5802 VAN ALLEN WAY
CARLSBAD CA 920087300
7609311154
STORE#: 32942
THANKS FOR SHOPPING
7-ELEVEN

1 00094119001966	9.99I
SUBTOTAL	9.99
SALES TAX ON 9.99	0.77
TOTAL DUE	10.76
DEBIT	10.76

[redacted]
ACCT TYPE:
[redacted]
AUTH CODE: 0
APPROVAL TIME: 140403
FIG/Honor
STORE#: 32942
TERM# :00073294201 08
TERM SEQ#: 993766
REF# : 95000 00 000 1
APPROVED

CUSTOMER AGREES TO PAY THE ABOVE
TOTAL AMOUNT ACCORDING TO THE CARD
HOLDERS AGREEMENT

TRY ONE OF NEW CHICKEN
BITES
T#01 OP13 TRN1450 08/04/21 02:04 pm

Jay-Y Sunglasses

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Polarized Lens
Princess
Reading Glasses
Relic
Rhinestone
Road Warrior
True Love
Skull
USA Eagle
VG
Vivid Star
Accessories
Clearance
Closeout

Keywords: 6656

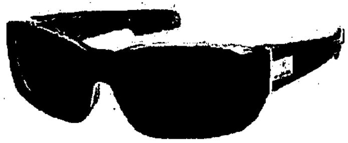
◉ at least one word must match
○ all words must match

Search

Search Results:

showing 1-1 of 1

Page 1 **of 1 | previous | next**

Image	**Sku**		**Description**	**Price**	**Quantity**
	8BZ6656	8BZ6656	BIOHAZARD	Inventory On Hand 0 1-9 **Price:** DOZEN **$33.00** 10-24 DOZEN **$31.00** 25-49 DOZEN **$29.00** 50-99 DOZEN **$27.00** 100+ DOZEN **$25.00**	OUT OF STOCK

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- DG Ski Goggles
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- Kids
- Locs
- MLB Sunglasses
- NFL Sunglasses
- XLoop
- XLoop Ski Goggles
- Optical Frames
- Polarized Lens
- Princess
- Reading Glasses
- Relic
- Rhinestone
- Road Warrior
- True Love
- Skull
- USA Eagle
- VG
- Vivid Star
- Accessories
- Clearance
- Closeout

Keywords: 6645

◉ at least one word must match
○ all words must match

Search

Search Results:

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Page 1 **of 1 | previous | next**

Image	Sku		Description	Price	Quantity
	8BZ6645/MIX	8BZ6645/MIX	BIOHAZARD	Inventory On Hand 0 1-9 **Price:** DOZEN **$33.00** 10-24 DOZEN **$31.00** 25-49 DOZEN **$29.00** 50-99 DOZEN **$27.00** 100+ DOZEN **$25.00**	OUT OF STOCK
	PZ/BZ6645	PZ/BZ6645	POLARIZED BIOHAZARD	Inventory On Hand 204 1-9 **Price:** DOZEN **$47.00** 10-24 DOZEN **$45.00** 25-49 DOZEN **$43.00** 50-99 DOZEN **$41.00** 100+ DOZEN **$39.00**	Qty: ____ DOZEN

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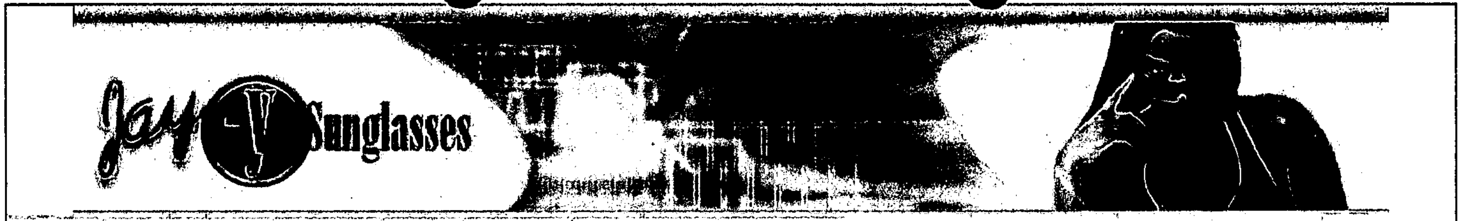
24



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- NFL Sunglasses
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- XLoop Ski Goggles
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- Reading Glasses
- Relic
- Rhinestone
- Road Warrior
- True Love
- Skull
- USA Eagle
- VG
- Vivid Star
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- Closeout

Keywords: 9018

(●) at least one word must match
( ) all words must match

Search

Search Results:

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Image	Sku		Description	Price	Quantity
	8LOC9018	8LOC9018	LOCS	Inventory On Hand 0 **Price:** 1-9 DOZEN **$34.00** 10-24 DOZEN **$32.00** 25-49 DOZEN **$30.00** 50-99 DOZEN **$28.00** 100+ DOZEN **$26.00**	**OUT OF STOCK**

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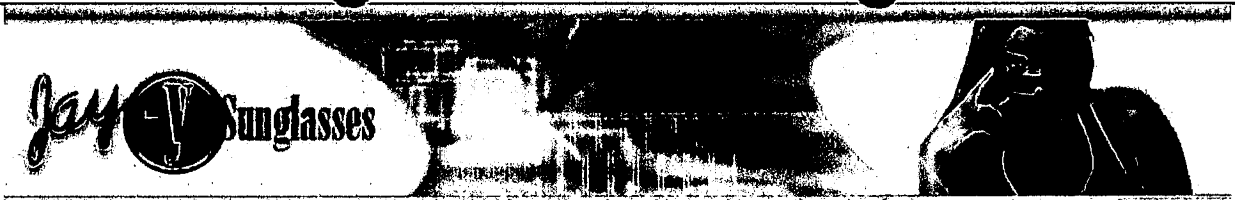

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- DG
- DG Ski Goggles
- Generic
- Hoodiez
- Kids
- Locs
- MLB Sunglasses
- NFL Sunglasses
- XLoop
- XLoop Ski Goggles
- Optical Frames
- Polarized Lens
- Princess
- Reading Glasses
- Relic
- Rhinestone
- Road Warrior
- True Love
- Skull
- USA Eagle
- VG
- Vivid Star
- Accessories
- Clearance
- Closeout

Keywords: 6636

(•) at least one word must match
( ) all words must match

Search

Search Results:

showing 1-2 of 2

Page 1 **of 1 | previous | next**

Image	**Sku**		**Description**	**Price**	**Quantity**
	8BZ6636/MIX	8BZ6636/MIX	BIOHAZARD	Inventory On Hand 0 **Price:** 1-9 DOZEN **$34.00** 10-24 DOZEN **$32.00** 25-49 DOZEN **$30.00** 50-99 DOZEN **$28.00** 100+ DOZEN **$26.00**	OUT OF STOCK
	PZ/BZ6636	PZ/BZ6636	POLARIZED BIOHAZARD	Inventory On Hand 44 **Price:** 1-9 DOZEN **$45.00** 10-24 DOZEN **$43.00** 25-49 DOZEN **$41.00** 50-99 DOZEN **$39.00** 100+ DOZEN **$37.00**	Qty: ____ DOZEN

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26

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of California on the following ☑ Patents or ☐ Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT Southern District of California
PLAINTIFF SPY OPTIC, INC., a California corporation		DEFENDANT JAY-Y ENTERPRISE CO., INC., a California corporation; 7-ELEVEN, INC., a Texas corporation; and DOES 1 through 5, inclusive

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 D534,573	1/2/2007	Spy Optics, Inc.
2 D564,570	3/18/2008	Spy Optic, Inc.
3 D557730	12/18/2007	Spy Optic, Inc.
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

# 154124 - TC
*** * C O P Y * ***
August 18, 2008
10:05:38

Civ Fil Non-Pris
USAO #.: 08CV1508
Judge..: ROGER T BENITEZ
Amount.: $350.00 CK
Check#.: BC0065215

Total-> $350.00

FROM: SPY OPTIC
VS
JAY-Y ENTERPRISE/7-ELEVEN

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

ORIGINAL

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
SPY OPTIC, INC., a California corporation

DEFENDANTS
JAY-Y ENTERPRISE CO., INC., a California corporation; 7-ELEVEN, INC., a Texas corporation; DOES 1-5

FILED 08 AUG 18 AM 10: 03
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Kit M. Stetina/Stetina Brunda Garred & Brucker (949) 855 1246
75 Enterprise, Suite 250, Aliso Viejo, CA 92656

Attorneys (If Known)
'08 CV 1508 BEN LSP

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property

TORTS
PERSONAL INJURY: ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury
PERSONAL INJURY: ☐ 362 Personal Injury - Med. Malpractice ☐ 365 Personal Injury - Product Liability ☐ 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY: ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/ Accommodations ☐ 444 Welfare ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence
Habeas Corpus: ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition

FORFEITURE/PENALTY
☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs. ☐ 660 Occupational Safety/Health ☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt.Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights ☒ 830 Patent ☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities/ Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Information Act ☐ 900Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**): 35 USC §§1 et seq.
Brief description of cause: Patent Infringement

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND $ proof at trial
CHECK YES only if demanded in complaint: **JURY DEMAND:** ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE Irma E. Gonzalez DOCKET NUMBER 08cv0384

DATE 8/15/08 SIGNATURE OF ATTORNEY OF RECORD [signature]

FOR OFFICE USE ONLY

RECEIPT # 154124 AMOUNT $350 APPLYING IFP ________ JUDGE ________ MAG. JUDGE ________

JAC 8/18/08

CK